

Certification of Conformance (COC) Requirements and Procedures

COC requirements and procedures for eligible animal feeding operations (AFOs) are as follows:

COMAR 26.08.03.09F states:

1. *“A chicken (other than laying hens) AFO with dry manure and a total house size capacity of 75,000 square feet or greater that is not otherwise categorized as a CAFO or MAFO, shall submit to the Department a certification of conformance within the time period specified in the general permit for AFOs issued under COMAR 26.08.04.09N.*
2. *The Department may designate a facility a MAFO before or after the submittal of a certification of conformance if the Department determines that the facility is a MAFO under this regulation.*
3. *Failure to submit the required certification shall result in the automatic designation of the facility as a MAFO, and the facility shall be subject to enforcement and penalty for operating without a State discharge permit from the effective date of this regulation or the date the facility began operating, whichever occurs later...”*

Poultry AFOs that were not previously eligible for submission of a COC, but have RECENTLY increased the number of chickens to between 37,500 and 124,999 or increased their house capacity to at least 75,001 to 99,999 square feet OR NEWLY CONSTRUCTED A COC OPERATION must submit the COC to MDE as soon as possible or will be subject to enforcement and penalty for operating without a State Discharge Permit.

What to do IF YOUR OPERATION HAS RECENTLY BEEN UPGRADED to fall under the COC requirement or your NEWLY CONSTRUCTED OPERATION falls under the COC requirement:

If you fall under this requirement, please perform the following:

1. Poultry operations falling under the [COC](#) requirement that have already submitted a [NOI](#) as a MAFO and required plans must **complete and return to MDE an [AFO Status Form](#)** as soon as possible in accordance with the following:

If your **RECENTLY UPGRADED OR NEWLY CONSTRUCTED** medium AFO has a total house capacity **between 75,001 and 99,999 square feet and does not discharge or propose to discharge pollutants to surface waters of the State**, please check the second box in the [AFO Status Form](#), thereby withdrawing your NOI. You must also **complete and submit to MDE a signed [COC](#) form as soon as possible.**

If your medium AFO **discharges or proposes to discharge pollutants to surface waters of the State**, please check the third box in the [AFO Status Form](#), indicating your intention to seek permit coverage as a **CAFO**.

2. Poultry operations falling under the [COC](#) requirement that have not previously submitted their NOIs and required plans because they are not a CAFO must:

Submit a **completed and signed [COC](#)** to MDE as soon as possible.

COC Commitment

By signing the [COC](#) you commit to:

1. Having the required plans on site;
2. Implementing the required plans;
3. Assuring that the required plans are consistent with MAFO requirements and incorporating all buffers, setbacks, and storage requirements otherwise applicable to MAFOs, as required in the [GD Permit](#).
4. Allowing the Department access to your operation to confirm your conformance; and
5. Allowing access to your operation by researchers authorized by the MDA and MDE to study the effectiveness of best management practices for manure management.

COC Rejection

MDE may reject a [COC](#) for cause including:

1. False or inaccurate information was contained in the [COC](#);
2. Conditions or specifications included in the required plans have been or are about to be violated;
3. Substantial deviation from the required plans has occurred;
4. The AFO has failed to permit an authorized MDE representative, upon presentation of proper credentials, to:
 - a. Enter at any reasonable time upon the AFO's premises where a pollutant source is located, pertinent operations are conducted, or records related to the required plans are maintained;
 - b. Access and copy any records related to the required plans;
 - c. Inspect facilities to ensure compliance with the conditions of the [COC](#);
 - d. Inspect any monitoring equipment or method required in the required plans; OR
 - e. Sample any discharge or pollutants;
5. Any State of federal water quality stream standard or effluent standard has been or is threatened to be violated; or
6. Any other good cause exists for rejecting the [COC](#).

If a [COC](#) is rejected for any of the above reasons, the medium poultry AFO must immediately submit a [MAFO or CAFO NOI](#), as applicable, and required plans. Failure to do so may result in enforcement action by MDE for the AFO's operation without a discharge permit.